

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10309-GAO

UNITED STATES OF AMERICA

v.

KURBY DUMORNAY

FINAL STATUS REPORT

August 16, 2005

DEIN, M.J.

A Final Status Conference was held before this court on Tuesday, August 16, 2005, pursuant to the provisions of Local Rule 116.5(C). Based on that conference, this court enters the following report, in accordance with Local Rule 116.5(D):

1. It appears at this time that a trial will be necessary.
2. Subject to the further request for discovery discussed below, discovery is completed.
3. There are no outstanding discovery issues at this time. This court denied the defendant's motion for discovery on August 12, 2005 wherein the defendant requested information he felt was relevant to a Franks hearing. It is anticipated that the defendant will be requesting discovery in connection with the motion to suppress he intends to file.
4. The defendant intends to file a motion to suppress. The motion will be filed by September 23, 2005.
5. Based upon the prior orders of the court dated December 3, 2004, January 13, 2005, March 11, 2005, May 16, 2005, June 29, 2005 and the order entered herewith, as of September 23, 2005 there will be thirteen (13) days of non-excludable time under the Speedy Trial Act (December 31, 2004 - January 12, 2005) and **fifty-seven (57) days will remain**

under the Speedy Trial Act in which this case must be tried. The court has on this date entered an order excluding the period of August 16, 2005 through September 23, 2005 to enable the defendant time to prepare his motion. The pendency of any motion shall result in further time being excluded under the Speedy Trial Act.

6. It is estimated that if the case goes to trial, the trial will last approximately one week.
7. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge